

Garden City Field Office 2508 Johns Street Garden City, Kansas 67846-2804

Jackie McClaskey, Secretary David W. Barfield, Chief Engineer Michael A. Meyer, Water Commissioner Phone: (620) 276-2901 Fax: (620) 276-9315 www.agriculture.ks.gov

Sam Brownback, Governor

November 14, 2016

JACOB NEUFELD 10165 W RIVER RD HOLCOMB KS 67851

> RE: Change the Place of Use, File Nos. 22577, 24050, 28620

Dear Mr. Neufeld;

Enclosed you will find a Summary Order Approving Application for Change in Place of Use for the above referenced files. Since these orders modify the original documents, it should be recorded at the County Register of Deeds.

These orders modify the authorized acres that can be irrigated by these files. The authorized place of use is as shown on the plats within the change approvals.

An acceptable water flow meter was required to be installed on the diversion works by earlier requirement of the Chief Engineer. These water flow meters shall be used to provide information required on the annual water use report.

This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order. The date of service is the date listed on the enclosed Certificate of Service.

Should you have any questions, please feel free to call this office or arrange an appointment for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

Thomas P. Makens

Assistant Water Commissioner

TPM:tpm Enclosures

CERTIFICATE OF SERVICE

On this // day of October 2016, I hereby certify that the attached original Approval of Application to Change the Place of Use under Water Right File 22577, 24050, 28620 dated November 14, 2016, was mailed postage prepaid, first class, US mail to the following:

JACOB NEUFELD 10165 W RIVER RD HOLCOMB KS 67851

Division of Water Resources

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Fee Schedule is on the third page of this application form.

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	<u>10165 W</u> Phone N							4117	Email:	addres	is:								
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	For Offi	ce Use	Only:	Code		Fe	e \$	200	TR	#		Re	eceipt	Date _	/o/:	5/16	Chec	k #2 <u>F</u>	55/2185

5.	Presently authorized point of diversion:								
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6.	Presently authorized point of diversion:								
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	Proposed Rate Proposed Quant	ity		_ Propo	osed well de	epth (fee	t)		
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	no change to the wells	···	the di	agram bi	elow in rela TE: The	lion to th	e existin	a point of	diversion
			repre	sents pr	esently au	thorized	point o	or diagra f diversi	am below on.)
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	(b) When will this be done?			-	1	-	1	7	
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			upstrea	am from	your proper	tv lines.		51.0	

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. 24050 MAKE ADDITIONAL COPIES AS NECESSARY

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DWR 1-121-2 (Rev. 01/23/2008)

14. If the proposed groundwater point of diversion is 300 or fewer	feet from existing point of discontinuous and a second
(a) Does the undersigned represent all owners of the currentl ☐ Yes ☐ No (If no, all owners must sign this	Vauthorized place(s) of use identified in this case.
 (b) Will the ownership interest of any owner of the currently affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this 	authorized place(s) of use identified in this application be adversely
(c) If this application is not approved expeditiously, will there b ☐ Yes ☐ No (If no, all owners must sign this	De substantial damage to proporty public backs
If the application proposes a surface water change in point of divers or a change in place of use, the application must be signed by all ovagent (attach notarized statement authorizing representation).	sion, a groundwater change in point of diversion greater than 300 feet, wners of the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or a age and the owner, the spouse of the owner, or a duly au their behalf, in regard to the water right(s) to which this contained in this application are true, correct and comple	ffirmation and under penalty of perjury, that I am of lawful thorized agent of the owner(s) to make this application on application pertains. I further verify that the statements te.
Dated at, Kansas,	this day of
× ATT	Morogretho Assum
(Owner)	springer (Spouse)
JOHAN P LOEWEN (Please Print)	MARGARDT LOEWEN (Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas	(Liedze Linit)
County of Haskell SS	
hereby certify that the foregoing application was signed in September , 2016 .	my presence and sworn to before me this 28^{16} day of
DEBBIE RINEHART My Commission Expires My Commission Expires	Dobbie Ringhart Notary Public-
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, accurate information; maps, if necessary, must be included; signatures of all the the appropriate fee must be paid.	all of the applicable portions of the application form must be completed with appropriate owners' must be affixed to the application and notarized; and
Each application to change the place of use or the point of diversion unforth in the schedule below: Make checks payable to: Kansas Departi (1) Application to change a point of diversion 300 feet or less. (2) Application to change a point of diversion more than 300 feet.	der this section shall be accompanied by the application fee set ment of Agriculture
 (2) Application to change a point of diversion more than 300 fe (3) Application to change the place of use	\$200 \$200

If the proposed groundwater point of diversion is 300 or fewer to	
(a) Does the undersigned represent all owners of the currently ☐ Yes ☐ No (If no, all owners must sign this	application.)
 (b) Will the ownership interest of any owner of the currently a affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this 	authorized place(s) of use identified in this application be adversely sapplication.)
(c) If this application is not approved expeditiously, will there b ☐ Yes ☐ No (If no, all owners must sign this	application.)
If the application proposes a surface water change in point of divers or a change in place of use, the application must be signed by all ov agent (attach notarized statement authorizing representation).	sion, a groundwater change in point of diversion greater than 300 feet, wners of the currently authorized place of use, or their duly authorized
age and the owner, the spouse of the owner, or a duly at their behalf, in regard to the water right(s) to which this	iffirmation and under penalty of perjury, that I am of lawful athorized agent of the owner(s) to make this application on a application pertains. I further verify that the statements etc.
Dated at <u>Holcowh</u> , Kansas	, this day or, zo, zo, zo,
La Cartella La Car	s, this 23rd day of Deptember, 2016. Against Breufeld (Spouse)
(Owner)	
JACOB NEUFELD	Aganetha New eld (Please Print)
(Please Print)	(Please Printy)
(Owner)	(Spouse)
(Please Print)	(Please Print)
	(Spouse)
(Owner)	(Cpoudd)
(Please Print)	(Please Print)
State of Kansas SS SS Nota	RANDA L. GRAHAM ary Public - State of Kanses Expires Col 7/17
A hereby certify that the foregoing application was signed	in my presence and sworn to before me this 23 day of
<u>Japlandier</u> , 2016.	· QX ·
J	Muende Westam
My Commission Expires	Notary Public
. To be complete applications will be processed. To be complete	ete, all of the applicable portions of the application form must be completed wit
accurate information; maps, if necessary, must be included; signatures of a the appropriate fee must be paid.	Il the appropriate owners' must be affixed to the application and notarized; and
	CHEDULE
forth in the schedule below: Make checks payable to: Kansas De (1) Application to change a point of diversion 300 feet or le	n under this section shall be accompanied by the application fee set partment of Agriculture ess

File No. _____

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

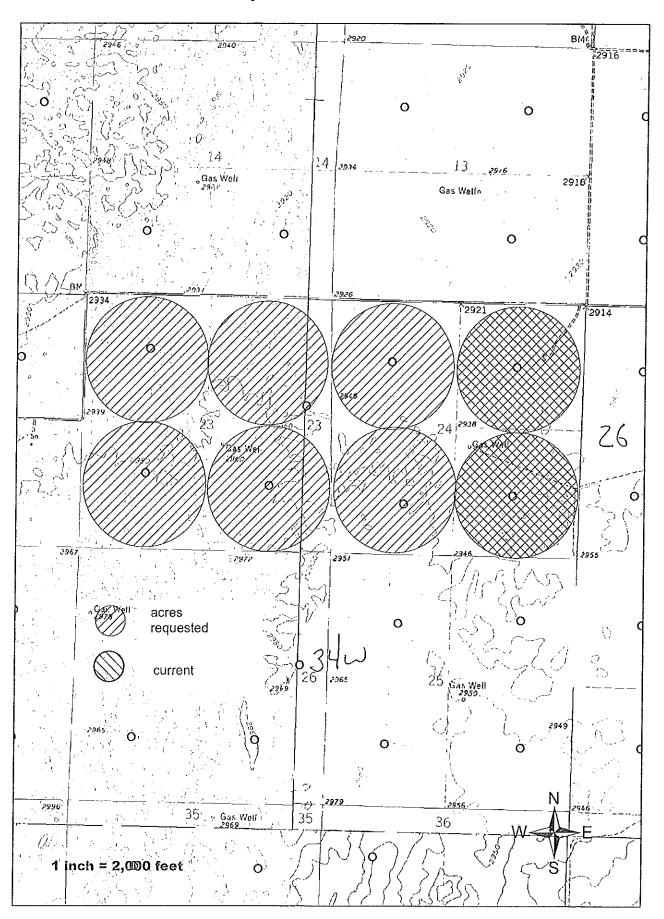
This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 *et.seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 24050 A change application was received on October 5, 2016 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable ☐ Not Applicable The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a ______ foot radius of the authorized point(s) of diversion. 4. The point(s) of diversion authorized herein shall not actually be located more than feet from the previously authorized point(s) of diversion. ☐ Applicable Not Applicable As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. ☐ Applicable : The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2016, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-1-4 through 5-1-12. 3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.

\[\sum_{\text{A}} \text{Not Applicable} \]

\[\sum_{\text{Not Applicable}} \] Installation of the works for diversion of water shall be completed on or before December 31, 2016, or within any authorized extension of time. By March 1, 2017 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. ☐ Applicable Not Applicable The completed well log shall be submitted with the required notice. 8. ☐ Applicable ☑ Not Applicable All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Additional Conditions are attached. □ Yes NO 11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the Kansas Water Appropriation Law and the Rules and Regulations promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law. Administrative Appeal and Effective Date of Order FOR OFFICE USE ONLY APPLICATION APPROVED AND You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park SUMMARY ORDER ISSUED Drive, Topeka, Kansas 66502, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing Duly Authorized Designee of the Chief Engineer is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown (Print Name): THOMAS P. MAKENS
Division of Water Resources - Kansas Department of Agriculture on the Certificate of Service. Date of Issuance: _/\overline{\text{VOVEMBB2}} For Use by Register of Deeds State of Kansas SS County of Funnia Acknowledged before $\frac{1}{2}$ ne on $\frac{1}{2}$ Signature: leny Notary Public SUE KEENY My Appointment Expires June 8, 2018 My commission expires

(Notary Seal)

place of use 24050



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